

In the Matter of:

Jane Doe

v.

The University of Virginia, et al.

Emily Babb

August 20, 2024



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Emily Babb

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1	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA Charlottesville Division		
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4	JANE DOE,	:	
5	Plaintiff,	:	
6		:	CASE NUMBER:
7	vs.	:	3:23-cv-00018-RSB
8		:	
9	THE UNIVERSITY OF VIRGINIA, et al.,	:	
10	Defendants.	:	
11	-----+		

8 | Tuesday, August 20, 2024

9	EMILY BABB,
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10 called for examination by counsel on behalf of
11 Plaintiff, Jane Doe, pursuant to Notice taken via Zoom,
12 at approximately 10:00 a.m., before Janie Arriaga, a
13 certified Verbatim Reporter and a Notary Public in and
14 for the Commonwealth of Virginia, when there were
15 present on behalf of the respective parties.

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1 P R O C E E D I N G S

2 (Thereupon, EMILY BABB, having been first duly
3 sworn by the court reporter and notary public, was
4 examined and testified, as follows:)

5 EXAMINATION BY COUNSEL FOR PLAINTIFF:

6 BY MS. ABDNOUR:

7 Q Ms. Babb, my name is Liz Abdnour. I represent
8 the plaintiff in the matter of Doe v. UVA. I'm going to
9 have some questions for you today. But first I want to
10 do just a little bit of introductory information for
11 you.

12 First, would you prefer I call you Ms. Babb,
13 Emily, something else? What is more comfortable for
14 you?

15 A Emily is fine.

16 Q Great. Thank you so much.

17 So just a few things that I need you to know
18 to make our court reporter, Janie's job as easy as
19 possible today. First, I need you to answer all the
20 questions that I ask you verbally. So if it's a yes or
21 no question, I need a yes or no. A shrug or a nod or
22 something like that isn't going to be helpful for the

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1 dropping off a letter to our office.

2 If a report was received through Just Report
3 It, that created a record within Safegrounds, our case
4 management system.

5 If the report came into our office through
6 some other means, phone call, email, handwritten note,
7 drop in, then the person who receives that would create
8 a report within the Safegrounds to memorialize that.

9 Every report that came in involving the
10 university's policy on sexual and gender based
11 harassment and other forms of interpersonal violence was
12 reviewed through our evaluation panel.

13 The evaluation panel consisted of
14 representatives from the Title IX office, the office of
15 the dean of students, the university policy department,
16 and others, such as H.R. if there was an employee
17 involved.

18 The evaluation panel would make certain
19 decisions on whether the university would report out to
20 local law enforcement or the prosecuting attorney, which
21 is called the Commonwealth Attorney in Virginia, based
22 on case law in Virginia that required certain cases to

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1 be reported out with or without identifying information.
2 That would be memorialized in the Safegrounds records.

3 Typically we met twice a week to review those
4 cases. I believe Mondays and Thursdays. But if
5 something came in that had happened within the last 24
6 hours, we would conduct an expedited EP, or evaluation
7 panel, to make that determination within -- correction.
8 If it came within the last 72 hours, we would review it
9 to make that evaluation panel decision within 24.

10 And when I say "72 hours," I mean the alleged
11 act occurred within 72 hours. We would review it on an
12 expedited basis.

13 When a case came in, we had the Title IX side,
14 as well as the office of dean of students.

15 Our office of dean of students assigned -- ran
16 our dean on call. So they were often the first person
17 responding to a report. So if a report came in
18 involving a student, the dean on call would do outreach,
19 typically by email, to the individual who we would
20 consider the complainant or the person who experienced
21 the conduct.

22 That outreach would provide them with

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1 information about resources, their rightful law
2 enforcement, medical resources, offer to meet with them
3 and explain a little bit of the process.

4 That dean on call would typically be the
5 person who met with the complainant to understand their
6 report, walk through options, and then they would be
7 part of the team that reviewed this at evaluation panel.

8 If there was a preference for resolution, that
9 would also be an opportunity for the individual to
10 correct that in response to the outreach email or during
11 that meeting with the dean on call.

12 During the evaluation panel, we would review
13 all available information in evidence to us. So if
14 there was any attachment to that report; if there had
15 been anything shared, we would include, and make a
16 determination both on law enforcement and Commonwealth
17 Attorney reporting required in the State of Virginia, as
18 well as what, if any, resolution we would be taking.

19 If we did not have enough information to
20 proceed, we could hold that evaluation panel or
21 supplemental evaluation panel to give ourselves an
22 opportunity to meet with the complainant to better

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1 A No. We did not issue a mutual no-contact
2 directive in every formal investigation. We considered
3 the facts and circumstances of the matter, the requests
4 of the parties, and evaluating whether to issue a
5 one-sided or mutual no-contact directive.

6 BY MS. ABDNOUR:

7 Q So let me ask this first, was there ever a
8 situation in which you did not issue any no-contact
9 directives?

10 A Yes.

11 Q Okay. And then sometimes there were
12 situations in which you were issued one-sided,
13 no-contact directives, correct?

14 A Yes.

15 Q And then sometimes there were situations in
16 which you issued mutual no-contact directives, correct?

17 A Yes.

18 Q But you testified that you don't recall
19 issuing a mutual no-contact directive in this case; is
20 that right?

21 A Yes. I do not recall issuing a mutual
22 no-contact directive in this case.

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1 Q Do you recall issuing a one-sided no-contact
2 directive in this case?

3 A No, I do not recall issuing any no-contact
4 directive in this case.

5 Q What are the factors that you would be
6 considering to issue a no-contact directive or not?

7 A We would consider the request of the parties.
8 We would consider the likelihood of the actions. We
9 would consider whether there were health and safety
10 risks at play that would lend itself to a no-contact
11 directive.

12 Q And do you think a no-contact directive was
13 appropriate for this matter?

14 MR. BERNHARDT: Objection; form.

15 A I did not issue a no-contact directive in this
16 matter.

17 BY MS. ABDNOUR:

18 Q Why not?

19 A As I recall, that was not -- I don't see any
20 documentation that that was requested by either party.
21 And we -- I'm not sure the rationale of the time, but we
22 would have considered those factors in determining

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1 A Yes. Safegrounds was our document repository
2 system. So the support dean would have uploaded their
3 email communication or made a note about something, and
4 that would have been saved in the case file, the
5 Safegrounds case file for the pending investigation.

6 Q As Title IX coordinator, did you have access
7 to entries made by a support dean into a Safegrounds
8 file?

9 A Yes. Safegrounds was a shared system, so the
10 support dean's entry were part of the file on that case,
11 and I would have access to that.

12 Q You testified regarding UVA having a different
13 approach to no-contact directives after August 2020 in
14 terms of one-sided, no-contact directives. Am I
15 understanding that there was a change there?

16 A Yes, that is correct.

17 Q The Title IX office evaluate the need for a
18 no-contact directive -- did that also change after
19 August of 2020?

20 A No. The way we evaluated whether to issue a
21 no-contact directive was consistent.

22 Q Based on the factors that UVA Title IX office

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1 considered during plaintiff's, Jane Doe's,
2 investigation, did any of those indicate a need for a
3 no-contact directive?

4 A So we didn't issue a no-contact directive, and
5 we would have considered those factors at the time. And
6 some things that we would look at, and we like to look
7 at, is did the parties request a no-contest directive?
8 Have they been communicating? Is there a need for
9 communication? Is there a likelihood of them
10 interacting on campus in the same residence hall or the
11 same office building?

12 We would look at all of that in the time
13 frame, right? We were fully remote at the initiation of
14 this investigation, and for my time here overseeing it,
15 and that would have been a factor that we would have
16 considered, whether they would have had a demonstrated
17 communication, whether they asked for it.

18 Also, whenever a no-contact directive was
19 issued, it was issued in writing to the parties. So
20 there would have been a letter to each of the parties,
21 whether it was one-sided or mutual, explaining the
22 no-contact directive had been put in place, what that

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1 meant, and the clear communication for each of them.

2 Q What is your understanding regarding Jane
3 Doe's status as a student after June of 2020?

4 A It's my understanding that she graduated from
5 the institution at the end of the 2019-2020 academic
6 year.

7 Q How would a complainant student's status
8 affect the evaluation of whether the no-contact
9 directive would be appropriate?

10 A If a student or employee was not affiliated
11 with the institution, we would be limited in the ability
12 to put a no-contact directive in place because there's
13 not an opportunity to enforce it.

14 Enforcement of a no-contact directive against
15 a student would process through our standard of conduct
16 against an employee through our employee conduct.

17 So it can be impactful, the affiliation within
18 the institution, as to whether we have the ability to
19 enforce the no-contact directive.


20 Q Ms. Babb, what is your understanding of
21 whether new employees to UVA were required to attend and
22 complete Title IX trainings when they were hired during

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Janie Arriaga, Court Reporter, before
3 whom the foregoing deposition was taken, do hereby
4 certify that the witness whose testimony appears in
5 the foregoing deposition, was duly sworn by me; that
6 the testimony of said witness was taken by me
7 stenographically, and that I, thereafter, reduced it
8 to typewriting; that said deposition is a true
9 record of the testimony given by said witness; that
10 I am neither counsel for, related to, nor employed
11 by any of the parties to the action in which this
12 deposition was taken; and further, that I am not a
13 relative or employee of any attorney or counsel
14 employed by the parties thereto; nor financially or
15 otherwise interested in the outcome of the action.

16 
17 Janie Arriaga
18 Notary Public in and for the
19 Commonwealth of Virginia
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